			_
	Page 106		Page 108
1 BY MR. STEWART:	12:36:47		12:39:23
2 Q. "Ethypharm wants to stop doing the		2 A. (In English) Mm-hmm.	
3 logistics on the purchases of excipients for the		3 Q. And the last sentence, "They do not want	
4 manufacturer of Omeprazol in Spain."		4 to use the Active Principal coming then there's	
5 What does this sentence what do you	12:37:07	5 a bracket, P.A., bracket coming from India for	12:39:39
6 understand is is meant by this sentence?		6 marketing reasons."	
7 A. We were purchasing the excipients, and	•	7 A. Marketing reasons were those of Belmac.	
8 for practical reasons, it was simpler that Belmac		8 Q. Okay. Do you understand what is meant	
9 do it.		9 by the term active is the term "active	
10 Q. The second sentence says, "It is	12:37:44	10 principal," is that is that the proper	12:39:58
11 proposing that Belmac invoice it for its Belmac's		11 translation?	
12 manufacturing costs, as presently, plus, the		12 A. Yes.	
13 purchase of excipients."		13 MR. BOSTWICK: Wait.	
14 What did you understand was meant by		14 BY MR. STEWART:	
15 that sentence?	12:38:13		12:40:05
	12.50.15	16 pharmaceutical ingredient?	12.40.00
-		17 A. It's the raw material before the	
17 means exactly the same thing.			
18 MR. BOSTWICK: And I would just make a		18 processing.	
19 tran a suggestion for the translator.		19 Q. Well, can	
There's already a direct French thing,	12:38:22	MR. BOSTWICK: Make sure you give time	12:40:20
21 so I don't think you should translate the rough		21 for the translation. We seem to be switching. I	
22 version back to		22 think you're speaking in French and he's speaking	•
	Page 107		Page 109
1 THE INTERPRETER: I think this way you	Page 107 12:38:30	1 in English.	Page 109 12:40:29
		1 in English. 2 THE INTERPRETER: It's the origin.	-
1 THE INTERPRETER: I think this way you 2 can make sure that, you know, in the translation — 3 in the translation we can make sure that the		THE INTERPRETER: It's the origin.	-
2 can make sure that, you know, in the translation — 3 in the translation we can make sure that the		 THE INTERPRETER: It's the origin. MR. BOSTWICK: And that answers, yeah 	-
2 can make sure that, you know, in the translation — 3 in the translation we can make sure that the 4 translation has been correct.	12:38:30	 THE INTERPRETER: It's the origin. MR. BOSTWICK: And that answers, yeah 4 for the court reporter. 	12:40:29
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28 (Pages 106 to 109)

	· · · · · · · · · · · · · · · · · · ·		16-16-
1 operational group, Liorzou, de Basilio, and	Page 110 12:42:03	3	Page 112 12:45:51
2 Herrera?	12.42.0.	2 draft contract to Belmac, paren, GC, paren, before	12.43.3.
3 MR. BOSTWICK: Objection. Foundation		3 mid-December."	
4 and vague.		4 A. I think - I think it is GL. I think it	
THE WITNESS: I don't know what	12:42:27		12:46:13
6 conclusions, but I remember that we, with Murphy,	٠.	6 Q. Ah. Okay. GL.	12.70.1.
7 thought that things were	•	7 So what does this sentence mean to you?	
8 MR. STEWART: Okay, so		8 What do you understand by this sentence?	
9 THE WITNESS: were finding things		9 A. It means that since things were not	
10 simple.	12-42-33	10 moving, I propose to send again the text to be	12:46:48
11 BY MR. STEWART:	12.72,32	11 reviewed in a – in a reasonably quick time frame.	12,40,40
12 Q. Wait a minute, Wait a minute. So you		12 Q. So that —	
13 do not know what conclusions were reached with		13 A. (In English) I'm taking care of what	
14 respect to the meeting that was held with Liorzou,		14 happened in the last	
15 de Basilio, and Herrera; is that right?	12:42:39	i	12:47:04
16 A. That exchanged the point of views to	12.72.37	16 care of what had happened previously, avoiding what	12.47.04
17 change how to work locally but that's all.		17 had happened previously.	
18 Q. Okay. And what conclusions were		18 Q. All right. So that you were you were	
19 reached, if any, arising out of the meeting that		19 going to undertake	
20 you had with Murphy and Germain?	12:43:08		12:47:08
21 A. Frankly, I think we had come, again, to	12.45.00	20 A. (In English) Right, 21 Q. — to send	12.47.00
22 a clear strategy decision. We needed to have a		22 A. (In English) Right.	
22 a cical strategy decision. We needed to have a		22 A. (III Eligusti) Night.	
		11	
	Page 111		Page 113
1 clear oral agreement in manufacturing in Spain, who	Page 111 12:43:43	1 Q a draft contract	Page 113 12:47:09
clear oral agreement in manufacturing in Spain, who owned what in this operation. He's very lucky that		1 Q a draft contract 2 A. (In English) Mm-hmm.	-
		·	-
2 owned what in this operation. He's very lucky that		2 A. (In English) Mm-hmm.	-
2 owned what in this operation. He's very lucky that 3 we discussed the quantities that were rising a lot		2 A. (In English) Mm-hmm. 3 Q. — to Belmac —	Page 113 12:47:09 12:47:13
2 owned what in this operation. He's very lucky that 3 we discussed the quantities that were rising a lot 4 at that time so —	12:43:43	 A. (In English) Mm-hmm. Q to Belmac A. (In English) Right. 	12:47:09
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29 (Pages 110 to 113)

1 MR. BOSTWICK: the translation and	Page 114 12:47:49		Page 116 12:50:49
2 then ask another question, because you don't like		2 MR. BOSTWICK: Objection to form and	
3 it, but we're not getting the full		3 THE WITNESS: 'That's very partial.	
4 MR. STEWART: Right.		4 BY MR. STEWART:	
5 MR. BOSTWICK: answer.	12:47:54	Q. Well, what's the rest of it then?	12:51:14
6 MR. STEWART: Well, it's not that I	24,,,,,	6 A. To have the general agreement that had	
7 don't like it.		7 been discussed several times. And for me, I had	
8 MR. BOSTWICK: It's just something that	t	8 been definitely accepted by Jim Murphy on the on	
9 pops into your head.	. <u>-</u>	9 the principle. And not always talked with the	
10 MR. STEWART: It's something that pop	s 12:48:02		12:51:44
11 into my head, okay.	12.70.02	11 MR. STEWART: Okay. I'm told by our	
12 MR. BOSTWICK: But if you can all		12 videographer that we have only a few moments, so	
13 THE INTERPRETER: Okay.		13 why don't we go off the record.	
14 MR. BOSTWICK: if you were a little		14 THE VIDEOGRAPHER: This ends tape number	
15 shorter.	12:48:05	1	12:51:58
16 MR. STEWART: I think we better have	12.40.00	16 The time is 12:51:49. Off the record.	14.01.00
17 that last answer back then.		17 (Whereupon, at 12:51:49 a.m., a luncheon	
		18 recess was taken, and the proceedings resumed at	
		19 13:47:27 p.m., this same day.)	
19 the previous answer.) 20 MR. BOSTWICK: Yes.	11:47:24		
	11.47.24	21	
21 THE WITNESS: (In French) Oui.		22	
22			
	Page 115		Page 117
1 BY MR. STEWART:	Page 115 12:48:40	1 AFTERNOON PROCEEDINGS	Page 117 12:52:04
1 BY MR. STEWART: 2 Q. Okay. Turn, please, to the second		1 AFTERNOON PROCEEDINGS 2 [13:47:27]	
2 Q. Okay. Turn, please, to the second		2 [13:47:27]	
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30 (Pages 114 to 117)

	Page 118		Page 120
1 and a Memorandum of Understanding.	13:48:37		: 13:53:43
2 MR. BOSTWICK: And this is Exhibit 11,	I -	2 surprised that this kind of detail would have been	
3 understand.		3 prepared. It's clear that what I discussed with	
4 THE COURT REPORTER: (Nodded		4 Murphy I discussed with the group.	. 7
5 affirmatively.)	13:49:01	5 BY MR. STEWART:	13:54:05
6 (Leduc Deposition Exhibit No. 11 was	•	6 Q. Why are you not surprised that this	
7 marked for Identification.)		7 document prepared, that you believed to be prepared	
8 BY MR. STEWART:		8 by Belmac, was prepared with this kind of detail?	
9 Q. Mr. Leduc, have you seen what we have		9 A. Because the property already had a	
10 marked as Exhibit 11 as far as today?	13:49:30	10 strategy that was to try to focus everything on	13:54:40
11 A. Let me take a look at the documents.		11 Spain and not at the group level. But for me, that	
12 Q. Sure.		12 doesn't change anything.	
13 (Witness reviews document.)		13 At the time, I wouldn't have been	
14 A. No.		14 surprised because it happened to me to sign	
15 O. He's not?	13:50:50	15 contracts locally. Mainly when you — when you	13:55:10
16 A. No.		16 draft — when you do drafts, sometimes you don't	
17 Q. Turn, if you would, just for a moment,		17 put everything in there.	
18 to page 009083. And I'm directing your attention		18 Q. Is it fair to say that let me	
19 to the first paragraph of the memorandum of		19 withdraw that.	
· · · · · · · · · · · · · · · · · · ·	13:51:17		13:55:39
20 understanding.	13.31.17	, · · · · · · · · · · · · · · · · · · ·	19.55.59
21 MR. BOSTWICK: The draft?		21 that you were aware that Jim Murphy had some type	
22 MR. STEWART: The draft, that's correct.		22 of position in Laboriatorious Belmac similar to	
	Page 119		Page 121
1 BY MR. STEWART:	Page 119 13:51:26	1 your position in an Ethypharm subsidiary?	Page 121 13:56:10
1 BY MR. STEWART: 2 Q. And I'm going to read the first	_	1 your position in an Ethypharm subsidiary?2 A. Yes. But that was not the point I was	-
	_		-
2 Q. And I'm going to read the first	_	2 A. Yes. But that was not the point I was	-
Q. And I'm going to read the first3 paragraph.	_	2 A. Yes. But that was not the point I was 3 considering, once again.	-
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31 (Pages 118 to 121)

1 Now to say that it was an intention, I	Page 122		Page 124 14:02:5
2 don't see that because I don't know that at all.	15.56.1.	2 time to time concerning specifically Omeprazole, I	14.02.3
3 But it's just simply a fact.		3 understood that the main assets, Bentley's assets,	-
4 BY MR. STEWART:		4 were of the Spanish subsidiary. Therefore,	
5 Q. What what do you mean put both?	13:58:22		14:03:14
6 A. Bentley.		6 Q. And did you have that understanding	
7 MR. STEWART: May I have Mr. Leduc's		7 in in the year 2000?	
8 answer back, please, not just not this last		8 A. That was also as Murphy explained.	
9 answer but the answer just prior to my follow-up.		9 Q. Did you have that understanding in the	
10 (Whereupon, the court reporter read back	11:47:24	10 period 1995 to 2000?	14:03:37
11 the previous answer.)		11 A. That was not our problem. We we	
12 THE WITNESS: If you try to plan a major		12 needed to to have some manufacturing in Spain so	
13 agreement for your company, and that was a major		13 I was not looking at what Belmac presented for	
14 agreement, how, being president of one of the two		14 Bentley. It was interesting for the group.	
15 groups, how can you ask not to make sure that the	13:59:31	And, frankly, at the beginning there was	14:04:17
16 board of director of the mother company accepts the		16 also friends, there were things, that the	
17 condition for the subsidiary.		17 communication that alerted me, there were those	
18 For me, it's so obvious that I don't		18 that mentioned we are making Omeprazole without	
19 even ask the question. But I understand that the		19 mentioning any agreement.	
20 question is posed to me.	13:59:58	20 Q. Okay. Just so that I have it, though,	14:04:42
21 BY MR. STEWART:		21 for the time period in question, was it your	
22 Q. So is it your is it your position		22 understanding that in 2002 Laboriatorious Belmac	
I that a major agreement that involved a parent	Page 123 14:00:08	1 accounted for a substantial, in the 80 percent	Page 125 14:05:04
2 corporation would you would expect that the	14.00.00	2 area, part of Bentley's revenues?	14.05.04
3 parent corporation would also be part of the	i	a mod, part of position of the following	
	i i	3 A. My answer is in the revenues I don't	
-		3 A. My answer is in the revenues I don't 4 know, but in assets, yes.	
4 agreement in addition to a subsidiary?	14:00:53	4 know, but in assets, yes.	14:05:30
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32 (Pages 122 to 125)

·	·		
1 A. My question is the changes, is that Jim	Page 126 14:07:20		Page 128 14:09:5
2 who made them?	14.07.20	2 subsidiary and to us to give the to give Belmac	14.07.5
		ľ	•
3 Q. One of the wonderful things about		3 in Spain as a follow up to what we had discussed	
4 American procedure is that the lawyer gets to ask	14074	4 with Jim Murphy and Jim Bentley as -	14 10 0
5 the questions mostly. But the answer to your	14:07:46	1	14:10:34
6 question for this one time is: I don't know.	•	6 THE INTERPRETER: Jim Murphy as Bentley	•
7 A. I know.	•	7 THE WITNESS: The contract had the	:.
8 Q. Oh, good. I was going to ask you.		8 contract had to be executed to subsidiaries. And	
9 A. It was a quotation that comes from RG in		9 like I said this morning, we had to wait on the	
10'95 – or RJ, I'm sorry, in '95.	14:08:09	10 music and somebody had to play it. And the actors	14:10:4:
11 Q. Ah. Where do you see that?		11 who had to play were the Spanish people.	
12 A. (In English) On every page, every page		12 MR. BOSTWICK: Can we	
13 at the top.		13 THE WITNESS: And, therefore, I assume	
14 MR. BOSTWICK: Yeah, if you could		14 that what is handwritten is by Jim Murphy's hand	
15 THE WITNESS: (Through the Interpreter)	14:08:32	15 but I'm not sure either.	14:11:00
16 Every page at the top.		16 BY MR. STEWART:	
17 MR. STEWART: Every every page at the		17 Q. All right. Referring	
18 top?		18 MR. BOSTWICK: Can I just ask one	
19 THE INTERPRETER: (Indicating.)		19 question to make sure our privilege is protected	
20 MR. STEWART: Oh, I see. RJ. Okay.	14.08.42	20 here? I'm perfectly certain can I simply ask.	14:11:12
21 BY MR. STEWART:	11.00.12	21 Do you think this is Roseline	
22 Q. Now are you		22 Joannesse's — you don't think that this is	
22 Q. How are you		22 John Cost of Control of the time this is	
	Page 127		Page 129
1 MR. BOSTWICK: Where? I'm sorry.	14:08:47	1 Roseline Joannesse's handwriting?	14:11:20
2 MR. STEWART: Would you would you		2 THE WITNESS: (In English) I'm sure.	
3 MR. BOSTWICK: Oh.		3 I know that I think but, yeah.	
4 THE INTERPRETER: Small print at the		4 MR. BOSTWICK: Okay, okay.	
5 top, the top left.	14:08:51	5 MR. STEWART: That's fine.	14:11:41
6 BY MR. STEWART:		6 MR. BOSTWICK: Thank you.	
7 Q. This is typewritten print at the top		7 MR. STEWART: All right.	•
8 left?		8 THE INTERPRETER: Remember to speak	
9 A. Yes.		9 French.	
10 Q. And you read that as RJ?	14:08:58	10 MR. BOSTWICK: Okay, thank you.	14:11:44
11 A. Yes.		11 MR. STEWART: Very good, very good.	
12 Q. And RG or RJ is Roseline Joannesse?		12 BY MR. STEWART:	
13 A. Yes.	·	13 Q. Turning to the to not to the note,	
14 Q. Okay. And who was Roseline Joannesse?		14 not to the handwritten notes but to the typewritten	
15 A. She's a legal director.	14:09:19		14:11:57
16 Q. And from this, do you have a do you	14,09,19	•	17.11.5/
17 have an opinion as to who was responsible for the		17 page 9009, the first page of the agreement, the	
18 typewritten draft of this document?	ļ	18 phrase that reads Laboriatorious Belmac S.A. with	
19 A. Yes, yes, of course.		19 corporate domicile at the address that is written,	1116
20 Q. And who?	14:09:43	20 hereinafter call Belmac represented by its	14:12:41
21 A. Roseline Joannesse?	ļ	21 executive director Mr. James L. Murphy, that was	
22 Q. On behalf of Ethypharm?		22 drafted by Roseline Joannesse. Correct?	
	i i		

33 (Pages 126 to 129)

	-		0. 00
1 A. Yes.	Page 130 14:13:03		Page 132 14:16:23
2 Q. She was the composer of that particular		2 Exhibit 14.	
3 line of music; is that right?		3 (Leduc Deposition Exhibit No. 14 was	
4 A. She was exhibiting the music. She had		4 marked for Identification.)	
5 not composed.	14:13:19	5 MR. STEWART: And then two more	14:16:49
6 Q. All right. I have to get those that		6 exhibits. Another draft of a contract at this time	
7 analogy straight.		7 with Belmac. The very first page is Belmac 006372.	
8 A. We can go back to much simpler things if		8 Exhibit 15.	
9 she has trouble following the music.	:	9 (Leduc Deposition Exhibit No. 15 was	
10 Q. Okay. The did Roseline Joannesse	14:13:34	10 marked for Identification.)	14:17:12
11 report to you?		11 MR. STEWART: And finally, another – a	
12 A. Yes.		12 third draft of the agreement. This is - has	
13 Q. Okay. Where was her office in		13 Belmac Bates No. 006389.	
14 connection with in proximity to yours?		14 (Leduc Deposition Exhibit No. 16 was	
15 A. As far as I can remember at the time,	14:14:02	15 marked for Identification.)	14:17:26
16 probably she had to change a floor and walk		16 BY MR. STEWART:	
17 probably 20 meters to go from her office to the		17 Q. Okay. Mr. Leduc, I have very few	
18 stairs and then 20 meters to go to from the stairs		18 questions to ask you about these documents. So I	
19 to my office.		19 would like to ask you my question. And then if you	
20 Q. She was in the same city as you. Yes?	14:14:27	20 need time to review them, review the document	14:18:13
21 A. To work?		21 thoroughly to answer it, by all means take that	
22 Q. Yes.		22 time.	
	Dama 121		D 122
1 A. (In English) Saint Cloud.	Page 131 14:14:36	The first question, though, pertains to	Page 133 14:18:25
2 Q. She was in the same building?		2 Exhibit 14. Do you recognize the handwriting?	
3 A. In Saint Cloud.		3 MR. BOSTWICK: I'm sorry, which	
4 Q. So she's in the same room?		4 which?	
5 A. Absolutely.	14:14:40	5 THE WITNESS: No.	14:18:37
6 Q. Thank you.		6 MR. STEWART: It's the handwritten note.	
7 MR. STEWART: All right. Let's mark the		7 MR. BOSTWICK: Okay, thank you.	
8 exhibit. Let's skip over this for a minute.		8 THE WITNESS: No.	
9 MR. MINGOLLA: Okay.		9 BY MR. STEWART:	
10 MR. STEWART: To mark as the next	14:15:04	10 Q. And then the next question applies to	14:18:45
11 exhibit, a draft agreement with Bates		11 Exhibits 13, 15, and 16. And have you seen these	
12 No. BEL006381.	İ	12 documents before today?	
13 THE WITNESS: Can I make simply a small	ŀ	13 A. No, I don't believe so. In addition, I	
14 comment that amuses me a lot?	İ	14 indicated during the preamble that contracts in	
15 I see that if it's true that it's by the	14:15:20	15 Spanish, since I don't speak Spanish, these are	14:19:20
16 hand of Jim Murphy, on pages 16 and 17 that I just		16 manufacturing contracts so I think this was seen	
17 read quickly, he suppressed the exclusivity clause	-	17 directly by Dubois or Zalma (phonetic), but	
18 and the noncompetition clause. It's amusing.		18 typically them but not by me.	
19 (Leduc Deposition Exhibit No. 13 was	[19 Q. Roseline Joannesse is fluent in Spanish;	į
20 marked for Identification.)	14:15:42	20 is that right?	14:19:45
21 MR. STEWART: And I'd like to have	i	21 A. She speaks Spanish well, yes.	
22 marked as the next exhibit a set of handwritten		22 Q. Would Roseline typically be involved in	
	1	• • •	1

34 (Pages 130 to 133)

The state of the s		<u> </u>	
1 preparing or assisting in the preparation of	Page 134		Page 136 14:23:4
2 manufacturing contracts in Spanish?		2 A. I don't have to believe. I know what	27.EJ.4
3 A. She would make the contracts in Spanish	•	3 what it was discussing with Murphy was something	
4 but I think she would be able to be a liaison for		4 that would cover everything.	
5 discussions and at least with Patrice Debrégeas,	14:20:27	, ,	14:23:5
6 since that was his responsibility.	1112012	6 A. And not only manufacturing.	17,23,3
7 Q. I'm sorry. Did you say that she would		7 Q. All right. So just so I so I	
8 be able to draft the contracts in Spanish or would		8 understand where we are here. The draft	
9 not be?		9 agreements, Exhibits 13, 15, and 16 were	
10 A. It was not customary.	14:20:44		14.24.2
11 Q. Okay. Are you able to tell who prepared	17.20.77	11 everything that was at issue; is that fair?	14:24:24
12 the drafts, Exhibits 13, 15, and 16?	<i>2</i>	12 A. It's correct but it's not complete.	
13 A. (In English) No.	-		
14 (Through the Interpreter) No.		13 Q. Okay. Please. 14 A. What I mean is that I did not — I	
15 Q. Okay. Were you involved in any way in	14-21-16	15 didn't have to enter into this kind of detail	14.04.50
16 attempting to get a signed manufacturing agreement			14:24:50
17 in 1997?		16 because my position was not this. It was normal	
18 A. What I was involved in was to define	!	17 that I wouldn't see it and that's why I answered it	٠
		18 very clearly that very clearly that I didn't	
19 something broader and manufacturing contracts and 20 many agreements and like confidentially to the	14.01.54	19 think I saw them at any moment.	110510
· · ·	14:21:54]	14:25:12
21 agreements concerning particular products. There	İ	21 was the nature of the agreement that you were	
22 was no reason that it would come to me. And this		22 focusing on and that you wanted to get signed?	
	Page 135		Page 137
1 is a contract that doesn't cover everything.	14:22:07	1 MR. BOSTWICK: Objection. Vague. Time	14:25:28
2 Q. This agreement meaning which — which		2 period.	
3 number?		3 BY MR. STEWART:	
4 A. When I see some contracts that have been		4 Q. Well, the time period I'll put it as the	
5 translated to English, I try to see a little bit		v Q: Well, ale time period i ii put it as the	
	14:22:24		14:25:33
6 what was in them. These are partial contracts.	14:22:24		14:25:33
7 This is not what we were discussing as a	14:22:24	5 two from the period 1997, say, March of 1997	14:25:33
	14:22:24	5 two from the period 1997, say, March of 1997 6 through 2002.	14:25:33
7 This is not what we were discussing as a 8 general level with Murphy and this strategy, and 9 these are contracts that rule the relationship	14:22:24	 5 two from the period 1997, say, March of 1997 6 through 2002. A. We used a period of time with respect to 	14:25:33
7 This is not what we were discussing as a 8 general level with Murphy and this strategy, and 9 these are contracts that rule the relationship 10 between the two subsidiaries. It's clear it's a		 5 two from the period 1997, say, March of 1997 6 through 2002. 7 A. We used a period of time with respect to 8 my preoccupation. My prohibition was since 1992. 9 Q. Okay. Then fine. Since 1992 to 2002. 	14:25:33 14:26:16
7 This is not what we were discussing as a 8 general level with Murphy and this strategy, and 9 these are contracts that rule the relationship 10 between the two subsidiaries. It's clear it's a 11 very partial contract.	14:22:56	 5 two from the period 1997, say, March of 1997 6 through 2002. 7 A. We used a period of time with respect to 8 my preoccupation. My prohibition was since 1992. 9 Q. Okay. Then fine. Since 1992 to 2002. 	
7 This is not what we were discussing as a 8 general level with Murphy and this strategy, and 9 these are contracts that rule the relationship 10 between the two subsidiaries. It's clear it's a	14:22:56	 5 two from the period 1997, say, March of 1997 6 through 2002. 7 A. We used a period of time with respect to 8 my preoccupation. My prohibition was since 1992. 9 Q. Okay. Then fine. Since 1992 to 2002. 10 A. To have a manufacturing agreement a 	
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7 This is not what we were discussing as a 8 general level with Murphy and this strategy, and 9 these are contracts that rule the relationship 10 between the two subsidiaries. It's clear it's a 11 very partial contract. 12 (Interrupted translation.) 13 Q. Well, let me when you say the the 14 translation is a partial translation simply to save 15 time but 16 A. But in this case, is it partial? 17 MR. BOSTWICK: He's pointing to an 18 exhibit. Why don't we at least 15, okay.	14:22:56 14:23:15	5 two from the period 1997, say, March of 1997 6 through 2002. 7 A. We used a period of time with respect to 8 my preoccupation. My prohibition was since 1992. 9 Q. Okay. Then fine. Since 1992 to 2002. 10 A. To have a manufacturing agreement a 11 manufacturing agreement with the Spanish 12 individually or any plant in Spain that would be a 13 pharmaceutical laboratory with as an initial an 14 initial condition that we would transfer all the 15 elements that would allow this plant to 16 manufacturer; that this plant would accept, since 17 it was the case, to say that all the elements were 18 not theirs, but they were Ethypharm's elements; 19 that they were also committing not to use them on	14:26:16 14:26:37
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35 (Pages 134 to 137)

			01 30
1 technology. After that, there are some business	Page 138 14:27:27	7 1 (Interrupted translation.)	Page 140 14:31:44
2 conditions that the main point is that.		2 BY MR. STEWART:	
<u>-</u>		3 Q. First I'm sorry to interrupt, excuse	
3 Q. Okay.			
4 A. For me, there was no problem because		4 me. The meeting we are now talking about occurred	
5 several times Jim Murphy told me there's no	14:27:54		14:31:49
6 problem. This is your technology. And we are not		6 A. Let's say I remember discussions where I	
7 here to do anything but to find a business		7 was not with essentially Jim Murphy and Pierre	
8 agreement to split the margins when we have		8 Germain. And Pierre Germain told me, Listen, he's	
9 customers.		9 proposing something and it might be a good idea if	
10 Q. Okay.	14:28:33	10 you came, even just for 15 or 20 minutes, because	14:32:23
11 A. Normal business relationships.		11 it's about strategy matters and to know if you want	
12 Q. Okay. Do you recall attending a meeting		12 to know or not or don't want to do or not to do.	4
13 in April of 1998?		13 Q. This is Pierre Germain talking to you?	
<u> </u>			
14 A. I cannot confirm totally but I think we	14-00-10	. 5 . /	14-20-45
15 had a meeting that was in 1998. Just a little	14:29:10	1 ' '	14:32:45
16 while ago we stopped. I already had them confused		16 Q. Okay. Okay.	
17 with a meeting in November. I remember once having		17 A. So I went. I don't think I had dinner.	
18 a drink at the terrace. It's an outdoor cafe in		18 I think I had a drink with Pierre Germain and Jim	
19 Saint John Madepre (phonetic) with Jim Murphy, and		19 Murphy. And their proposal, among other things,	
20 the weather was nice. So I couldn't imagine it was	14:29:45	20 was the following, I recognize I acknowledge	14:33:13
21 November.		21 that you have technologies that we are interested	
22 (In English) This is why I was thinking		22 in.	
	Page 139		Page 141
1 it was in the spring 2000	14:29:58		14:33:24
2 (Through the Interpreter) That's why he		2 A. (In English) Jim Murphy.	
3 was thinking it was in the Spring. So I think		3 Q. Jim Murphy talking to you?	
4 there was something in April 2002.		4 A. (In English) Mm-hmm. We also developed	
5 Q. Okay. The meeting in April of wait a	14:30:08	5 technologies for transdermals and creams. Maybe we	
6 minute. You said April of 2002?			14:33:37
		6 can do something a little more global, in which you	14:33:37
7 THE INTERPRETER: That's what he said.		6 can do something a little more global, in which you 7 will transfer these technologies and transdermals	14:33:37
7 THE INTERPRETER: That's what he said. 8 THE WITNESS: 2002 or 2003, I don't know			14:33:37
		7 will transfer these technologies and transdermals	14:33:37
8 THE WITNESS: 2002 or 2003, I don't know	14:30:33	7 will transfer these technologies and transdermals 8 with a certain value.	14:33:3 <i>1</i> -
8 THE WITNESS: 2002 or 2003, I don't know 9 but the weather was nice. 10 BY MR. STEWART:	14:30:33	7 will transfer these technologies and transdermals 8 with a certain value. 9 And for my part, I can also buy this 10 technology and not only use it but buy it. And in	
8 THE WITNESS: 2002 or 2003, I don't know 9 but the weather was nice. 10 BY MR. STEWART: 11 Q. Okay. All right. Well, I want to ask	14:30:33	7 will transfer these technologies and transdermals 8 with a certain value. 9 And for my part, I can also buy this 10 technology and not only use it but buy it. And in 11 this case make a payment or the equivalent of a	
8 THE WITNESS: 2002 or 2003, I don't know 9 but the weather was nice. 10 BY MR. STEWART: 11 Q. Okay. All right. Well, I want to ask 12 you about a meeting that I'm reasonably sure took	14:30:33	7 will transfer these technologies and transdermals 8 with a certain value. 9 And for my part, I can also buy this 10 technology and not only use it but buy it. And in 11 this case make a payment or the equivalent of a 12 payment and to settle, to to acquire the	
8 THE WITNESS: 2002 or 2003, I don't know 9 but the weather was nice. 10 BY MR. STEWART: 11 Q. Okay. All right. Well, I want to ask 12 you about a meeting that I'm reasonably sure took 13 place in April of 1998, but since you mentioned	14:30:33	7 will transfer these technologies and transdermals 8 with a certain value. 9 And for my part, I can also buy this 10 technology and not only use it but buy it. And in 11 this case make a payment or the equivalent of a 12 payment and to settle, to to acquire the 13 technologies to settle the acquisition of the	
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8 THE WITNESS: 2002 or 2003, I don't know 9 but the weather was nice. 10 BY MR. STEWART: 11 Q. Okay. All right. Well, I want to ask 12 you about a meeting that I'm reasonably sure took 13 place in April of 1998, but since you mentioned 14 April of 2002, let me ask you about that. 15 What what was the purpose of this 16 meeting with Jim Murphy? 17 And let us say for the moment it's April 18 of 2002. If it if you if you if your 19 recollection changes, let me know.	14:31:06	7 will transfer these technologies and transdermals 8 with a certain value. 9 And for my part, I can also buy this 10 technology and not only use it but buy it. And in 11 this case make a payment or the equivalent of a 12 payment and to settle, to to acquire the 13 technologies to settle the acquisition of the 14 technologies. 15 Q. Is this Jim Murphy still speaking to you 16 or you speaking to him also? 17 A. It's still Jim Murphy talking to me. 18 Q. Okay. 19 A. My reaction was to say before we trade	14:34:12 14:35:02
8 THE WITNESS: 2002 or 2003, I don't know 9 but the weather was nice. 10 BY MR. STEWART: 11 Q. Okay. All right. Well, I want to ask 12 you about a meeting that I'm reasonably sure took 13 place in April of 1998, but since you mentioned 14 April of 2002, let me ask you about that. 15 What what was the purpose of this 16 meeting with Jim Murphy? 17 And let us say for the moment it's April 18 of 2002. If it if you if you if your 19 recollection changes, let me know. 20 A. It's before, yes, because 2002 is when	14:31:06	7 will transfer these technologies and transdermals 8 with a certain value. 9 And for my part, I can also buy this 10 technology and not only use it but buy it. And in 11 this case make a payment or the equivalent of a 12 payment and to settle, to to acquire the 13 technologies to settle the acquisition of the 14 technologies. 15 Q. Is this Jim Murphy still speaking to you 16 or you speaking to him also? 17 A. It's still Jim Murphy talking to me. 18 Q. Okay. 19 A. My reaction was to say before we trade 20 technologies that I don't know, your technologies	14:34:12 14:35:02

36 (Pages 138 to 141)

1 for several years. And I would like, first, to	Page 142 14:35:43		Page 144 14:40:12
2 solve the problems before seeking other problems.		2 each Company with respect to enhancement of	
3 Q. What did he say?		3 absorption and permeation of drugs through	
4 A. That he was going to continue		4 biological membranes and only for the purpose of	
5 discussions with Pierre Germain to try to - to try	14:36:16	5 contemplation some form of business relationship."	14:40:41
6 to define further the proposal because I thought it		6 Does this paragraph, that I have just	
7 was a little vague too.	-	7 read, summarize the purpose of the confidentiality	
8 Q. Okay. Okay.		8 agreement regarding exchange of information?	
9 MR. STEWART: Let me have marked as the		9 A. Yes.	
10 next exhibit a Confidentiality and Nondisclosure	14:37:00	10 Q. Okay. Does this agreement – did this	14:41:15
11 Agreement.		11 agreement have anything to do with the manufacture	
12 Seventeen?		12 of Omeprazole?	
13 THE COURT REPORTER: (Nodded		13 A. Directly, no. But for the future, yes,	
14 affirmatively.)		14 because it could include formula changes, which	
15 (Leduc Deposition Exhibit No. 17 was	14:37:22	15 was which were planned in the acquiesce the	14:41:45
16 marked for Identification.)		16 acquiesce form notably. The only question I ask	
17 THE WITNESS: That, I know.		17 myself, when looking at this, is to know whether	
18 BY MR. STEWART:		18 this, the — the — mentioning the membranes could	
19 Q. And would you tell us what Exhibit 17		19 cover also the technology of Bentley's transdermal	
20 is. It's an agreement for technology for	14:37:34	20 technology. And I don't have an answer.	14:42:27
21 enhancement of absorption, which could cover		21 Q. Let's see.	
22 several products, including a new formulation for		22 A. For me, this corresponds mostly to the	
	Page 143		Page 145
1 Omeprazole, Fenofibrate. And certainly, also	14:38:24	1 period where we had the acquiesce technology and	14:42:55
2 products like Itraconizole. And again, we had		2 that could go to Omeprazole.	
3 obtained registrations in other territories and		3 Q. The third the fourth paragraph says,	
4 including those in fabricating and manufacturing,		4 "The confidential information transmitted will be	
5 and I still did not have a general agreement	14:38:57	5 listed by the disclosing party in a letter	
6 Q. Okay.			14:43:13
	ļ	6 accompanying said information."	14:43:13
7 A specifically.		6 accompanying said information." 7 Was such a letter ever written?	14:43:13
8 Q. The confidentiality, can we agree that		 Was such a letter ever written? A. Likely, yes, but it's impossible to tell 	14:43:13
-		7 Was such a letter ever written?	14:43:13
8 Q. The confidentiality, can we agree that	14:39:15	Was such a letter ever written? A. Likely, yes, but it's impossible to tell if it was really the case and certainly don't have	14:43:13 14:43:48
8 Q. The confidentiality, can we agree that 9 this is a confidentiality and nondisclosure	14:39:15	Was such a letter ever written? A. Likely, yes, but it's impossible to tell if it was really the case and certainly don't have	
8 Q. The confidentiality, can we agree that9 this is a confidentiality and nondisclosure10 agreement?	14:39:15	Was such a letter ever written? A. Likely, yes, but it's impossible to tell if it was really the case and certainly don't have the memory that allows me that allows me to	
 8 Q. The confidentiality, can we agree that 9 this is a confidentiality and nondisclosure 10 agreement? 11 A. Quite. 12 Q. And it was signed by you, Gérard Leduc 13 on behalf of Ethypharm France. Yes? 	14:39:15	Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay. 13 A to tell what was done.	-
 8 Q. The confidentiality, can we agree that 9 this is a confidentiality and nondisclosure 10 agreement? 11 A. Quite. 12 Q. And it was signed by you, Gérard Leduc 	14:39:15	Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay.	-
 8 Q. The confidentiality, can we agree that 9 this is a confidentiality and nondisclosure 10 agreement? 11 A. Quite. 12 Q. And it was signed by you, Gérard Leduc 13 on behalf of Ethypharm France. Yes? 		Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay. 13 A to tell what was done. 14 Q. Do you have in mind a list of	-
 8 Q. The confidentiality, can we agree that 9 this is a confidentiality and nondisclosure 10 agreement? 11 A. Quite. 12 Q. And it was signed by you, Gérard Leduc 13 on behalf of Ethypharm France. Yes? 14 A. Yes. 		Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay. 13 A to tell what was done. 14 Q. Do you have in mind a list of	14:43:48
 Q. The confidentiality, can we agree that this is a confidentiality and nondisclosure agreement? A. Quite. Q. And it was signed by you, Gérard Leduc on behalf of Ethypharm France. Yes? A. Yes. Q. And it was signed by Jim Murphy on 		Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay. 13 A to tell what was done. 14 Q. Do you have in mind a list of 15 confidential information that applied to this	14:43:48
 Q. The confidentiality, can we agree that 9 this is a confidentiality and nondisclosure 10 agreement? 11 A. Quite. 12 Q. And it was signed by you, Gérard Leduc 13 on behalf of Ethypharm France. Yes? 14 A. Yes. 15 Q. And it was signed by Jim Murphy on 16 behalf of Bentley Pharmaceuticals, Inc. Correct? 		Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay. 13 A to tell what was done. 14 Q. Do you have in mind a list of 15 confidential information that applied to this 16 agreement?	14:43:48
 8 Q. The confidentiality, can we agree that 9 this is a confidentiality and nondisclosure 10 agreement? 11 A. Quite. 12 Q. And it was signed by you, Gérard Leduc 13 on behalf of Ethypharm France. Yes? 14 A. Yes. 15 Q. And it was signed by Jim Murphy on 16 behalf of Bentley Pharmaceuticals, Inc. Correct? 17 A. Yes. 		Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay. 13 A to tell what was done. 14 Q. Do you have in mind a list of 15 confidential information that applied to this 16 agreement? 17 A. No.	14:43:48
 Q. The confidentiality, can we agree that this is a confidentiality and nondisclosure agreement? A. Quite. Q. And it was signed by you, Gérard Leduc on behalf of Ethypharm France. Yes? A. Yes. Q. And it was signed by Jim Murphy on behalf of Bentley Pharmaceuticals, Inc. Correct? A. Yes. Q. And is the the I'm going to read 		Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay. 13 A to tell what was done. 14 Q. Do you have in mind a list of 15 confidential information that applied to this 16 agreement? 17 A. No. 18 Q. Okay. Did this agreement, in your mind,	14:43:48
 8 Q. The confidentiality, can we agree that 9 this is a confidentiality and nondisclosure 10 agreement? 11 A. Quite. 12 Q. And it was signed by you, Gérard Leduc 13 on behalf of Ethypharm France. Yes? 14 A. Yes. 15 Q. And it was signed by Jim Murphy on 16 behalf of Bentley Pharmaceuticals, Inc. Correct? 17 A. Yes. 18 Q. And is the the I'm going to read 19 the second paragraph. 20 "Whereas, Bentley and Ethypharm agree 21 each to allow the other access to certain 	14:39:35	Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay. 13 A to tell what was done. 14 Q. Do you have in mind a list of 15 confidential information that applied to this 16 agreement? 17 A. No. 18 Q. Okay. Did this agreement, in your mind, 19 apply to a future business relationship or did it	14:43:48 14:44:03
 Q. The confidentiality, can we agree that 9 this is a confidentiality and nondisclosure 10 agreement? A. Quite. Q. And it was signed by you, Gérard Leduc 3 on behalf of Ethypharm France. Yes? A. Yes. Q. And it was signed by Jim Murphy on 6 behalf of Bentley Pharmaceuticals, Inc. Correct? A. Yes. Q. And is the the I'm going to read 19 the second paragraph. "Whereas, Bentley and Ethypharm agree 	14:39:35 14:39:53	Was such a letter ever written? A. Likely, yes, but it's impossible to tell 9 if it was really the case and certainly don't have 10 the memory that allows me that allows me to 11 to tell 12 Q. Okay. 13 A to tell what was done. 14 Q. Do you have in mind a list of 15 confidential information that applied to this 16 agreement? 17 A. No. 18 Q. Okay. Did this agreement, in your mind, 19 apply to a future business relationship or did it 20 apply to the existing relationship between	14:43:48 14:44:03

37 (Pages 142 to 145)

A. When you sign a confident a secrecy	Page 146 14:44:58		Page 148 14:47:53
2 agreement, it's generally for information that you		2 Q. Can you tell us the circumstances as to	÷
3 will give in the future. But also, generally, it's	•	3 how it was that this document came in to in to	
4 for something that follows something that is		4 being?	
5 ongoing. And simply, as it evolves, other	14:45:19		14:48:12
6 informations other information comes, and when	11110111	6 that there was a secrecy agreement proposal that	
7 you don't have a general agreement, you are forced		7 was made and that obviously I've changed some	
		8 points, that the following pages with some changes	
8 to have individual agreements.		9 that I wanted to have.	
9 Q. Okay. And at this time	14.45.46		14:48:53
10 A. There are — there are many secrecy	14:45:45	, · · · · ·	14.40.33
11 agreements.		11 part in the discussions, but all I knew is that I	
12 MR. STEWART: I'm sorry, there are many?		12 wanted this to be very clear, but there were items	
13 THE INTERPRETER: There are many secrecy		13 and some points to be changed. And I must have	
14 agreements.		14 made some changes that I would have to find in my	
15 BY MR. STEWART:	14:45:52	15 memory, which is not very easy.	14:49:19
16 Q. You said secrecy agreements?		16 Q. Do you can you tell me what those	
17 A. Yeah.		17 changes were?	
18 Q. At this time, February of 2000, you did		18 A. No. But I imagine that formulation was	
19 not have a general agreement; is that right?		19 not precise enough, and Mr. Murphy added a number	
20 MR. BOSTWICK: Objection. Vague.	14:46:03	20 of precise points to show to really show it was	14:49:42
21 THE WITNESS: Signed, no. But the		21 ours.	
22 agreement, in principle, with Jim Murphy was clear.		22 Q. Okay. Who prepared the document that is	
1 DV MO CTENNADT.	Page 147	1 on page 23632	Page 149
1 BY MR. STEWART:	Page 147 14:46:12		Page 149 14:49:58
2 Q. Okay.		2 A. I don't know. Perhaps Roseline, perhaps	
Q. Okay.A. For me, there was no doubt we were in		A. I don't know. Perhaps Roseline, perhaps Adolfo, maybe another legal person.	
Q. Okay.A. For me, there was no doubt we were in4 agreement.	14:46:12	 A. I don't know. Perhaps Roseline, perhaps 3 Adolfo, maybe another legal person. Q. Okay. You see that there is a 	14:49:58
 Q. Okay. A. For me, there was no doubt we were in 4 agreement. MR. STEWART: Yes, we're going to do 		 A. I don't know. Perhaps Roseline, perhaps Adolfo, maybe another legal person. Q. Okay. You see that there is a 5 certification by Clemente Gonzales Azpeita on 	
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 Q. Okay. A. For me, there was no doubt we were in 4 agreement. MR. STEWART: Yes, we're going to do 6 this. 7 BY MR. STEWART: 	14:46:12	 A. I don't know. Perhaps Roseline, perhaps 3 Adolfo, maybe another legal person. Q. Okay. You see that there is a 5 certification by Clemente Gonzales Azpeita on 6 behalf of Laboriatorious Belmac, and by James R. 7 Murphy on behalf of Bentley Pharmaceuticals, Inc.; 	14:49:58
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 Q. Okay. A. For me, there was no doubt we were in 4 agreement. MR. STEWART: Yes, we're going to do 6 this. 7 BY MR. STEWART: Q. Mr. Leduc, I warned you that I was going 	14:46:12	A. I don't know. Perhaps Roseline, perhaps 3 Adolfo, maybe another legal person. 4 Q. Okay. You see that there is a 5 certification by Clemente Gonzales Azpeita on 6 behalf of Laboriatorious Belmac, and by James R. 7 Murphy on behalf of Bentley Pharmaceuticals, Inc.; 8 is that correct? 9 A. Yes.	14:49:58
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 Q. Okay. A. For me, there was no doubt we were in 4 agreement. MR. STEWART: Yes, we're going to do 6 this. BY MR. STEWART: Q. Mr. Leduc, I warned you that I was going 9 to try to ask some questions about a meeting that I 10 believe took place in April of 1998. And to help 11 us, I'd like to have marked as the next exhibit a 12 fax by Adolfo de Basilio dated April 6, 1998. 	14:46:12	2 A. I don't know. Perhaps Roseline, perhaps 3 Adolfo, maybe another legal person. 4 Q. Okay. You see that there is a 5 certification by Clemente Gonzales Azpeita on 6 behalf of Laboriatorious Belmac, and by James R. 7 Murphy on behalf of Bentley Pharmaceuticals, Inc.; 8 is that correct? 9 A. Yes. 10 Q. And the first paragraph says, "Ethypharm 11 S.A. (Spain), quote, (Ethypharm), end quote, has a 12 manufacturing agreement with Laboriatorious Belmac	14:49:58 14:50:34
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38 (Pages 146 to 149)

			*
1	Page 150		Page 152
1 Murphy, with Bentley, and what was missing was th	at 14:52:2	1	14:55:45
2 final signed agreement. But as for us, we kept		2 Q. And so the answer to my question, did	
3 working as if we didn't have it and it was		3 Ethypharm ever audit Bentley Pharmaceuticals, the	
4 upsetting. But clearly, we had a verbal agreement		4 answer is no?	
5 and discussions for many years and you keep working	g 14:52:45	5 A. One doesn't have to ask discretion when	14:56:16
6 with this prime work, because my opinion is that we		6 you - when one talks about the pharmacy and knows	į
7 had an agreement even if it was not formalized.		7 what it's about. Manufacturing is not an office.	
8 Q. Okay. The next sentence,		8 Q. And so it may be perfectly evident to	
9 "Laboriatorious Belmac S.A. is audited regularly by		9 you, but just to make sure that everyone	
10 Ethypharm to assure that GMP are followed under	14:53:09	10 understands, that Ethypharm never audited Bentley	14:56:37
11 Ethypharm's Q.A. requirements."		11 Pharmaceuticals?	
12 Is that a true statement?		12 MR. BOSTWICK: Object as asked and	
13 A. Yes.		13 answered.	
14 Q. Was Bentley Pharmaceuticals ever audited		14 MR. STEWART: No, it hasn't been	
15 by Ethypharm?	14:53:40		14.56.50
16 A. But why do you want to audit something	14.55.40		14:56:50
17 other than a plant which produces? Bentley did not		17 it true that you have never killed somebody in	Ī
18 have to be GMP. Bentley, for me, is like my		18 Russia, as much relations?	
19 headquarters in Saint Cloud, as the place where		19 You cannot have notice of something that	
20 decisions are made, not the place where products	14:54:14		14:57:22
21 are made.		21 So why would you want me to answer this	.
22 Q. Okay. Laboriatorious Belmac had a plant		22 type of question? It does nothing to edit.]
1 in Zaragoza. Correct?	Page 151		Page 153
I I III Zaraguza, Curreur			1 4 5 7 0 0
	14:54:24		14:57:38
2 And	14:54:24	2 Q. I have	14:57:38
2 And 3 A. Yes.	14:54:24	 Q. I have A. Is it true that I did not order the 	14:57:38
2 And 3 A. Yes. 4 Q Laboriatorious Belmac had		 Q. I have A. Is it true that I did not order the 4 plant on the moon? Yes, I never ordered a plant on 	
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39 (Pages 150 to 153)

			Da 150
1 single page of a secrecy agreement talk, this page	Page 154 14:59:14	1 We are sending you, attached, the last	Page 156 15:12:5
2 shows me that when I needed to get in to a major		2 letter that we have received from Belmac,	
3 point, which was to protect my know-how, I had to		3 concerning which Mr. Perez-Sendino thought that it	
4 go to Bentley to discuss with Murphy. That's all.		4 can break the deadlock in certain matters that we	
5 Q. Okay. I understand that was your	14:59:42		15:13:2
6 that was your that is your point. I I just		6 et cetera.	
7 want to have a - I just - I want to have just a		7 A. He said, I'm stopping you. The letter	
8 couple of facts cleared up.		8 is not here. This is an accompanying letter.	
9 A. I am at your disposal.		9 Q. And I don't have it.	
10 Q. Thank you. Bentley Pharmaceuticals,	15:00:06		15:13:4
11 Inc., did not have any machinery of Ethypharm in	25.00100	11 said?	
12 its facilities in the United States, did it?		12 Q. What I want to what I want you to	
		13 tell me is whether you know what the deadlock	
*		14 A. (In English) No.	
	15:00:24		15:13:5
15 it did? 16 A. No.	13.00.24	16 Okay.	
		17 A. What I see is that there were ongoing	
17 Q. Okay.		18 discussions. But if we don't have the letter, what	
18 MR. BOSTWICK: Shall we take, maybe, a		19 do you want us to do?	
19 five-minute break?	15,00.24	•	15:14:1
20 MR. STEWART: Sure.	15:00:34	20 Q. Okay. What I want, not you to do, but I	13,14,1
21 THE VIDEOGRAPHER: The time is 15:00:23.		21 would ask your counsel if they could look for the 22 letter that is referred to as in Exhibit 19 and	
22 Off the record.		22 fetter that is referred to as in Exhibit 19 and	
	Page 155		_
1 (Whereupon, at 15:00:23 p.m., a recess	Page 155 15:00:40		_
1 (Whereupon, at 15:00:23 p.m., a recess 2 was taken, and the proceedings resumed at		2 MR. BOSTWICK: Okay. Did you get the	_
		2 MR. BOSTWICK: Okay. Did you get the 3 note about that last one? We did look into the	_
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40 (Pages 154 to 157)

1 MR. STEWART: All right.	Page 158 15:14:59		Page 160 15:18:32
2 MR. STEWART: Two more documents.	13.14.3.	2 Q. French and Spain. And this agreement	13.16.32
3 Actually yeah. Right. Two more documents.		3 was signed by Laboriatorious Davur by Mr. Fernando	
4 Okay. The next document is a document		4 Berenguer Zuñiga. Correct?	
5 is a document that has E — the Bates No.	15:15:27		15:18:47
6 EP 005159, Contracto De Licencia, with an	13.13.27	6 Q. Okay. And Laboriatorious Belmac Davur,	13.10.47
7 attachment translation. That'll be Exhibit 20?		7 is that a subsidiary of Bentley Pharmaceuticals,	
8 (Nodded affirmatively.)		8 Inc.?	
9 MR. STEWART: Okay.		9 A. I imagine.	
10 (Leduc Deposition Exhibit No. 20 was	15:16:01	1	15,10,05
11 marked for Identification.)	13.10.01		15:19:25
12 MR. STEWART: And as Exhibit 21, a			
13 document that is an addendum to the license	•	12 being part of the subsidiaries in Spain.	
		13 Q. Okay. When you say part of Bentley's	
14 agreement — addendum number one to the license	15.16.00	14 documents, you don't mean you don't mean	15 10 05
15 agreement and the supply contract.	15:16:09	15 Exhibit 20. You mean some other document?	15:19:37
16 (Leduc Deposition Exhibit No. 21 was	•	16 A. Yes, priced documents, for example.	
17 marked for Identification.)		17 Q. Okay. Now did you consider this an	
18 (Witness reviews documents.)		18 agreement between Ethypharm France and Ethypharm	
19 THE WITNESS: There are many pages left		19 Spain, and on the one hand, and Laboriatorious	l
20 blank. Is that normal?	15:17:05		15:20:00
21 BY MR. STEWART:		21 A. Yes.	
22 Q. Pages in the original Spanish?		22 Q. Did you also consider it an agreement	į
1 A. No, in the translation.	Page 159 15:17:17	1 between Ethypharm France and Ethypharm Spain on the	Page 161 15:20:12
2 Q. In the the translation is a is a	-	1 between Ethypharm France and Ethypharm Spain on the 2 one hand and Bentley Pharmaceuticals, Incorporated,	
2 Q. In the the translation is a is a 3 partial translation and it it concerns only	-	1 between Ethypharm France and Ethypharm Spain on the	
2 Q. In the the translation is a is a 3 partial translation and it it concerns only 4 matters which I which I don't intend to ask	-	1 between Ethypharm France and Ethypharm Spain on the 2 one hand and Bentley Pharmaceuticals, Incorporated,	
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41 (Pages 158 to 161)

There's nothing complicated here.	Page 162 15:22:16	1 never – well, let me withdraw that.	Page 164 15:26:3
1 There's nothing complicated here. 2 That's what everybody does.	13.22.10	2 Have you seen a Manufacturing Agreement	15.20.5
		3 between Laboriatorious Belmac and Laboriatorious	
		4 Ethypharm which in substance is identical to	
4 Davur S.L., Bentley Pharmaceuticals didn't sign	15:22:35		15:26:5
5 this agreement. Correct?	13:22:33	6 A. I don't think so.	13,20,3
6 A. Yes.		7 Q. So this comes as a surprise to you that	
7 Q. And, therefore		8 there is such a — that there's such a document?	
8 A. I don't see		•	
9 Q. In other words	15.00.50	9 A. No, I'm not surprised at all. Why do	15.07.4
10 A. I don't see for what reason they would	j	10 you want me to need to see a document like that?	15:27:4
11 have signed it. There was no transfer of know-how.		11 It was just to show other people that — that	
12 There was no reason.		12 Belmac was authorized – Ethypharm's customer so	
13 Q. And you did not consider Bentley		13 that they would know that Belmac was authorized to	
14 Pharmaceuticals, Inc. as a party to this agreement,	15.00.00	14 manufacture these products, according to the	16.000
15 did you?	15:23:19	15 process and specifications, yeah. These are very	15:28:0
16 A. They didn't need to execute an agreement	ĺ	16 normal things that subsidiaries can do, and it's	
17 in this particular case, no.		17 just surprising —	
18 Q. Okay.		18 Q. Explain please what you mean -	
19 A. They were they were perfectly aware		MR. BOSTWICK: Excuse me. I don't think	
20 but there was no reason to there was no reason	15:23:41	20 we just got the last translation.	15:28:2
21 to participate in an agreement for a simple license		21 THE WITNESS: Surprise. It takes me by	
22 agreement and a simple supply agreement.		22 surprise.	
1 0 0	Page 163	1 DV MD CTEWADT.	Page 165 15:28:2
1 Q. Okay.	15:24:00		13.20.2
2 MR. STEWART: Just for the manufacturing		Q. Okay. Do you do you know who drafted3 Exhibit 22 and Exhibit 23?	
3 agreement, Okay.		4 A. (In English) No.	
4 MR. MINGOLLA: Okay.	,	E 4 PL CHECHPUNITING	
E 34D 0777374 D.T. 11415- 4	15.04.47	•	15.22.4
5 MR. STEWART: I'd like to mark as the	15:24:47	5 (Through the Interpreter) No.	15:28:4
6 next exhibit a Contrato De Fabricación, Belmac	15:24:47	5 (Through the Interpreter) No.6 Q. And would you explain what you what	15:28:4
6 next exhibit a Contrato De Fabricación, Belmac 7 Bates No. 000548.	15:24:47	 5 (Through the Interpreter) No. 6 Q. And would you explain what you what 7 you meant when you said that this Exhibit 22 was 	15:28:4
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42 (Pages 162 to 165)

	Page 166		Page 168 15:33:49	
1 Q. This document is signed by Adolfo De	15:30:35	~	13:33:49	Ί
2 Basilio and Adolfo - for Ethypharm S.A. Correct?		2 A. Yes.		ı
3 A. Ethypharm Spain, yes.		3 Q. Is it customary to show a customer the	v)	l
4 Q. And it's signed by Laboriatorious Belmac		4 terms of price between Ethypharm and a — between	. 15-24-05	
5 by Adolfo Herrera?	15:30:55	11 11 1	15:34:05	ľ
6 A. Yes. It had to be because it was the		6 A. It depends. It can be a negotiation		l
7 manufacturing site.		7 technique. But if it's the tax authorities that	* 4	I
8 Q. What was the reason that — let me		8 ask you where to transfer price between France and		l
9 ask let me withdraw that.		9 Spain, yeah, then – then it's an indication. But	:	ŀ
10 Was this document — was this document	15:31:36		15:34:43	1
11 intended to be submitted to the to a to a		11 don't know why that was made.		l
12 government agency of Spain?		12 Q. Was the was the agreement was		l
13 MR. BOSTWICK: Which – which document?		13 I'm referring now to the Letter of Purchase		ı
14 MR. STEWART: Exhibit 22.		14 Undertaking.		
15 THE WITNESS: I don't know.	15:31:54	15 A. It looks like more like the final	15:35:26	1
16 BY MR. STEWART:	-	16 negotiation to set forth a price for year 2000.		ı
17 Q. Okay. Was this document prepared for		17 Q. And does it appear to you that this is		ı
18 so-called administrative reasons?		18 the – let me – let me withdraw that.		١
19 MR, BOSTWICK: Objection. Vague.		19 Does it appear to you that this was the		l
20 THE WITNESS: I imagine but I don't know	15:32:16	20 price that was agreed upon between Ethypharm Spain	15:35:49	1
21 exactly the reason why it was prepared. I don't		21 and Laboriatorious Belmac?		l
22 know.		22 MR. BOSTWICK: Objection. Form.		١
			D 160	1
1 BY MR. STEWART:	Page 167 15:32:22	THE WITNESS: It's likely. The price in	Page 169 15:36:05	5
1 BY MR. STEWART: 2 O. Well, was it prepared to set forth the	Page 167 15:32:22	THE WITNESS: It's likely. The price in 2 itself had to be set forth. The translation had to		5
2 Q. Well, was it prepared to set forth the		·		
Q. Well, was it prepared to set forth the3 terms of the manufacturing relationship between		2 itself had to be set forth. The translation had to		
Q. Well, was it prepared to set forth the3 terms of the manufacturing relationship between4 Ethypharm Spain and Laboriatorious Belmac?		2 itself had to be set forth. The translation had to 3 be done locally, but the role had been discussed 4 with Bentley. At least the intention was to split		
 Q. Well, was it prepared to set forth the 3 terms of the manufacturing relationship between 4 Ethypharm Spain and Laboriatorious Belmac? MR. BOSTWICK: Objection. Form. 	15:32:22	2 itself had to be set forth. The translation had to 3 be done locally, but the role had been discussed 4 with Bentley. At least the intention was to split 5 the margins and, therefore, we calculate the	15:36:05	
 Q. Well, was it prepared to set forth the terms of the manufacturing relationship between Ethypharm Spain and Laboriatorious Belmac? MR. BOSTWICK: Objection. Form. THE WITNESS: Not to set forth terms but 	15:32:22	2 itself had to be set forth. The translation had to 3 be done locally, but the role had been discussed 4 with Bentley. At least the intention was to split	15:36:05	
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43 (Pages 166 to 169)

	<u> </u>		
1 Q. You've told us that you believed that	Page 170 15:38:3		Page 172 15:43:3
2 the agreement regarding the manufacture of	15.56.5.	2 people, I imagine, Eric Igonet and Pierre Germain.	10.40.0
3 Omeprazole was between Ethypharm on the one hand		3 Q. Do you know whether he did so?	
4 and Bentley on the other.		4 A. No.	
5 Is that your testimony?	15:38:52		15:43:5
6 A. No. Like I said, Ethypharm needed a	15.56.5	6 A. No.	15.45.5
7 plant in Spain to manufacture several products, not		7 Q. Do you know whether either Pierre	
8 Omeprazole, to be comfortable with the fact that		8 Germain or Eric Igonet ever considered adding	
9 the Spanish plant could be approved to be GMP		9 Bentley Pharmaceuticals, Incorporated, as a party	
	15-20-26		15.44.1
10 no, to be to be accredited to the GMP. And that	13.39.30	10 to the Manufacturing Agreement?	15:44:1
11 we didn't have any problem or security of the		11 MR. BOSTWICK: Objection. Speculation.	
12 know-how, so to work with people with whom we had		THE WITNESS: I don't see why they would	•
13 the legal security.		13 have considered it. For these type of things, you	
14 So that's an agreement that is related		14 didn't have to add it.	45.44.5
15 only to Omeprazole. That is to say the Ethypharm	15:40:06	15 BY MR. STEWART: Okay. Let me mark as the next	15:44:3′
16 plant that was with BASF, and that really didn't		16 couple of exhibits contracts, the Exhibit 24, a	
17 cause any problem, would change, would go to		17 contract for Vincamina Microgranulos.	
18 somebody else. And that's why we discussed with		18 (Leduc Deposition Exhibit No. 24 was	
19 Juan Puni (phonetic), who said who just happened		19 marked for Identification.)	
20 to have a friend in Oymathal (phonetic), that would	15:40:33	,	15:45:23
21 be that would be interested in that and this		21 Microgranules.	
22 happens that Oymathal was acquired by Bentley after		22 (Leduc Deposition Exhibit No. 25 was	
1 that. And that — that value of the Ethypharm	Page 171 15:40:43	1 marked for Identification.)	Page 173 15:45:39
2 company that is essentially its technology and its	131,01.13	2 MR. STEWART: And Exhibit 26, Piroxicam	15.15.55
3 product we could continue working with the people		3 Microgranules.	
4 who had the morality and the manufacturing		4 (Leduc Deposition Exhibit No. 26 was	
5 security, which was the case with BASF and	15:41:05	5 marked for Identification.)	15:46:00
6 Onkudline (phonetic.)	15.77.05	6 MR. STEWART: And Exhibit 27, Aspirine	15. 10.00
7 Q. Well, are you aware of any written		7 Microgranules.	
8 agreement between Bentley pharmaceuticals,		8 (Leduc Deposition Exhibit No. 27 was	
9 Incorporated, and Ethypharm for the manufacturer of		9 marked for Identification.)	
10 Omeprazole and other Ethypharm products?	15:41:25	10 BY MR. STEWART:	15:46:42
11 MR. BOSTWICK: Objection. Vague.	15.41.25	11 Q. And Mr. Leduc, have you seen these	15.40.42
12 THE WITNESS: The general — the general		12 manufacturing contracts prior to today?	
13 agreement was not there was for many years that		13 A. No.	
14 this verbal agreement, but the final general		14 Q. Okay. Do you know who prepared these	
15 agreement was never signed.	15:42:13	15 agreements?	15:46:59
16 BY MR. STEWART:	1512.15	16 A. Unlikely, directly in that way	13:10:37
17 Q. Did you ever did you ever offer to		17 Q. Okay.	
18 let me withdraw that.			
	1	18 A which is normal by the Spanish 19 subsidiary.	
19 Before before Adolfo de Racilio			
19 Before before Adolfo de Basilio	15.42.07	-	15.47.22
20 signed Exhibit 23 for Ethypharm Spain, did he need	15:43:07	20 Q. All right. I have the this question	15:47:23
20 signed Exhibit 23 for Ethypharm Spain, did he need 21 approval from anyone at at Ethypharm France?		Q. All right. I have the this question21 with respect to Exhibit 22 as well as Exhibits 24,	15:47:23
20 signed Exhibit 23 for Ethypharm Spain, did he need		20 Q. All right. I have the this question	15:47:23

44 (Pages 170 to 173)

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1 A. (In English) Yeah.	Page 174 15:47:4	7 I that should have been formalized once and for all.	Page 176 15:52:31
2 Q. To your understanding was there anything 3 that, as of a legal nature, that would have 4 prevented Ethypharm S.A. Spain from or Ethypharm	.	2 And it was covering all the little agreements that 3 could have been reached in between. And it is 4 something that I sent to stop discussing very	
5 France from insisting that the agreement be also 6 signed by Bentley Pharmaceuticals, Inc.?	15:48:0		15:52:55
7 A. Why would we have asked them to sign 8 that. It was Bentley that was manufacturing. It		7 that let me I withdraw that. 8 A. (In English) Mm-hmm.	
9 was Bentley that was telling the Spanish subsidiary 10 that was deciding that its Spanish subsidiary could 11 manufacture or got into some strategies that were	15:48:54	9 Q. Was this was the who who 10 prepared the draft of the technology license and 11 manufacturing agreement?	15:53:10
12 set forth by the parent company. 13 What was missing was the general		12 A. Essentially myself and Roseline 13 Joannesse with probably interventions on some	-
14 signed written agreement that we would have had 15 to have materialized. A verbal agreement is quite	15:49:16	14 questions by Adolf de Basilio, Pierre Germain. She 15 was the one there. But the writer wasn't Joannesse	15:53:43
16 sufficient, except that when there is a problem 17 with the verbal agreement, how can you prove that 18 both parties were understanding the same thing?		16 and him supervisor of the writing. 17 Q. Okay. Now you've told us the purpose of 18 this agreement to collect into one document all of	
19 Q. That is a problem. All right. 20 MR. STEWART: The next is a cover sheet	15:50:09	19 the terms that you believe should have existed.	15:54:14
21 from Mr. Gérard Leduc to Mr. Jim Murphy with an 22 attached Technology License and Manufacturing	- 1	21 Mischaracterization. 22 THE WITNESS: And also for the future,	
			
1 Agreement.	Page 175 15:50:25	1 essentially for the future.	Page 177 15:54:21
2 (Leduc Deposition Exhibit No. 28 was marked for Identification.)		 essentially for the future. BY MR. STEWART: Q. And the agreement, as drafted by you and 	
2 (Leduc Deposition Exhibit No. 28 was 3 marked for Identification.) 4 BY MR. STEWART: 5 Q. Mr. Leduc, can you tell us can we		2 BY MR. STEWART: 3 Q. And the agreement, as drafted by you and 4 Roseline Joannesse between, on the one hand, 5 Ethypharm S.A. Spain, represented but by its	
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2 (Leduc Deposition Exhibit No. 28 was 3 marked for Identification.) 4 BY MR. STEWART: 5 Q. Mr. Leduc, can you tell us can we 6 will you confirm for us that this is a letter 7 that that this that exhibit 8 MR. MINGOLLA: Twenty-eight. 9 BY MR. STEWART: 10 Q Exhibit 28 contains a letter that you 11 wrote to Jim Murphy at Bentley Pharmaceuticals? 12 A. Yes.	15:50:25 15:51:02	2 BY MR. STEWART: 3 Q. And the agreement, as drafted by you and 4 Roseline Joannesse between, on the one hand, 5 Ethypharm S.A. Spain, represented but by its 6 president oh, sorry a company belonging to 7 Ethypharm S.A S.A. France represented by 8 Patrice Debrégeas. Yes? 9 A. Yes. 10 Q. And on the other part, Laboriatorious 11 Belmac accompanied belonging to Bentley represented 12 by Jim Murphy. Correct?	15:54:21 15:54:31
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45 (Pages 174 to 177)

1 all four are tied.	Page 178 15:56:01		Page 180 15:59:4
2 THE VIDEOGRAPHER: Counsel?		2 MR. STEWART: Mark as the next — the	
3 MR. STEWART: Yeah.	•	3 exhibit, the Termination of the Manufacturing	
4 We'll continue this.		4 Agreement, Exhibit 29.	
5 THE VIDEOGRAPHER: This ends tape number	15:56:09	5 (Leduc Deposition Exhibit No. 29 was	15:59:5
6 three of the Leduc deposition.		6 marked for Identification.)	
7 The time is 15:55:59. Off the record.		7 MR. STEWART: And as term – and I'd	
8 (Whereupon, at 15:55:59 p.m., the		8 like the stenographer to mark as exhibit for	
9 videographer replaced the videotape, and the		9 identification as Exhibit 30, a letter of	
10 proceedings resumed at 15:56:45 p.m., this same	15:56:23	10 November 14th, 2001, providing Notice of	16:00:1
11 day.)		11 Termination of the Purchase Commitment letter.	
12 THE VIDEOGRAPHER: On the record with		12 (Leduc Deposition Exhibit No. 30 was	
13 tape number four of the testimony of Gérard Leduc		13 marked for Identification.)	
14 in the matter of Ethypharm versus Bentley		14 BY MR. STEWART:	
15 Pharmaceuticals. The date is July 15, 2006. The	15:56:53	15 Q. Mr. Leduc, following receipt of the	16:00:58
16 time is 15:56.45.		16 of these two Notices of Termination, were you	
17 BY MR. STEWART:		17 involved in discussions concerning the relationship	
18 Q. Mr. Leduc, please turn to page		18 between Ethypharm and Belmac and Laboratorious	
19 EP 002004. Okay.		19 Belmac and Bentley?	
20 A. No problem. I knew it was there.	15:57:27	20 MR. BOSTWICK: Objection.	16:01:20
21 Q. And can we agree that the signature		21 Mischaracterization.	
22 blocks that appear on page — on that page 04		22 THE WITNESS: Yes.	
1 Ethypharm S.A. by Mr. Patrice Debrégeas, President,	Page 179	1 BY MR. STEWART:	Page 181 16:01:29
2 and for Belmac S.A. by James Murphy, Executive	12.27.23	2 Q. Tell us what you did?	10.01.2
3 Director,		3 A. I would like for us to get back to my	
4 A. Yes.		4 previous remark. At the same time we received the	
5 Q. Now were you aware that in November of	15:58:05	5 termination letter, Jim Murphy and Bentley	16:01:51
6 2001 Adolfo Herrera sent a letter to Adolfo de		6 announced to the press announced in the press	
7 Basilio		7 release that basically there's a technique for	
8 THE INTERPRETER: What's the date?		8 Omeprazole and the Omeprazole products at Belmac,	
	ĺ	9 and introduces that as an important asset for the	
9 MR. STEWART: November 14th.			
9 MR. STEWART: November 14th. 10 BY MR. STEWART:	15:58:39	10 company.	16:02:31
	15:58:39		16:02:31
10 BY MR. STEWART:	15:58:39	10 company.	16:02:31
 10 BY MR. STEWART: 11 Q. — giving notice of termination of a — 	15:58:39	10 company.11 At that time we began to tell each other	16:02:31
 10 BY MR. STEWART: 11 Q. — giving notice of termination of a — 12 of the manufacturing contract between Ethypharm 	15:58:39	10 company. 11 At that time we began to tell each other 12 that we were that we were being robbed, getting	16:02:31
 10 BY MR. STEWART: 11 Q. — giving notice of termination of a — 12 of the manufacturing contract between Ethypharm 13 Spain and Laboriatorious Belmac? 		10 company. 11 At that time we began to tell each other 12 that we were that we were being robbed, getting 13 robbed. And we began to look at the state the	
 10 BY MR. STEWART: 11 Q. — giving notice of termination of a — 12 of the manufacturing contract between Ethypharm 13 Spain and Laboriatorious Belmac? 14 A. Yes, I am aware of that. And actually 		10 company. 11 At that time we began to tell each other 12 that we were that we were being robbed, getting 13 robbed. And we began to look at the state the 14 status of a relationship with our customers,	16:02:31 16:03:04
 10 BY MR. STEWART: 11 Q. — giving notice of termination of a — 12 of the manufacturing contract between Ethypharm 13 Spain and Laboriatorious Belmac? 14 A. Yes, I am aware of that. And actually 15 that day there were two simultaneous events. 		10 company. At that time we began to tell each other 12 that we were that we were being robbed, getting 13 robbed. And we began to look at the state the 14 status of a relationship with our customers, 15 because that was the most important in the first	
10 BY MR. STEWART: 11 Q. — giving notice of termination of a — 12 of the manufacturing contract between Ethypharm 13 Spain and Laboriatorious Belmac? 14 A. Yes, I am aware of that. And actually 15 that day there were two simultaneous events. 16 Q. Before we get to those simultaneous		10 company. 11 At that time we began to tell each other 12 that we were — that we were being robbed, getting 13 robbed. And we began to look at the state — the 14 status of a relationship with our customers, 15 because that was the most important in the first — 16 in the first stage, which the contract could	
10 BY MR. STEWART: 11 Q. — giving notice of termination of a — 12 of the manufacturing contract between Ethypharm 13 Spain and Laboriatorious Belmac? 14 A. Yes, I am aware of that. And actually 15 that day there were two simultaneous events. 16 Q. Before we get to those simultaneous 17 events, were you aware that on the same day Adolfo		10 company. At that time we began to tell each other 12 that we were — that we were being robbed, getting 13 robbed. And we began to look at the state — the 14 status of a relationship with our customers, 15 because that was the most important in the first — 16 in the first stage, which the contract could 17 sustain true damage, who are unable to deliver.	
10 BY MR. STEWART: 11 Q. — giving notice of termination of a — 12 of the manufacturing contract between Ethypharm 13 Spain and Laboriatorious Belmac? 14 A. Yes, I am aware of that. And actually 15 that day there were two simultaneous events. 16 Q. Before we get to those simultaneous 17 events, were you aware that on the same day Adolfo 18 Herrera sent a letter to Adolfo de Basilio —		10 company. 11 At that time we began to tell each other 12 that we were — that we were being robbed, getting 13 robbed. And we began to look at the state — the 14 status of a relationship with our customers, 15 because that was the most important in the first — 16 in the first stage, which the contract could 17 sustain true damage, who are unable to deliver. 18 And several months later, these people said, Well,	
10 BY MR. STEWART: 11 Q. — giving notice of termination of a — 12 of the manufacturing contract between Ethypharm 13 Spain and Laboriatorious Belmac? 14 A. Yes, I am aware of that. And actually 15 that day there were two simultaneous events. 16 Q. Before we get to those simultaneous 17 events, were you aware that on the same day Adolfo 18 Herrera sent a letter to Adolfo de Basilio — 19 A. (In English) Right.	15:59:08	At that time we began to tell each other 12 that we were — that we were being robbed, getting 13 robbed. And we began to look at the state — the 14 status of a relationship with our customers, 15 because that was the most important in the first — 16 in the first stage, which the contract could 17 sustain true damage, who are unable to deliver. 18 And several months later, these people said, Well, 19 that's over.	16:03:04

46 (Pages 178 to 181)

1 seriously to ask the question that would react to	Page 182 16:04:0		Page 184
2 prevent this misappropriation of the know-how.	2010-10	2 A. (In English) I don't know.	10.00.17
3 There were two sides. One was our old		3 (Through the Interpreter) I don't know.	
4 customers and also the Bentley's shareholders.		4 Perhaps it was a shareholder but I don't know. I	
5 That sudden – that suddenly had the feeling that	16:04:33		16:08:26
6 there were the owners of microgranule products		6 Q. Okay.	10.00.20
7 when they never had been.		7 A. – feeling.	
8 So we began to look very seriously again		8 Q. And was it — was there any significance	
9 at all the files we got in Bentley and Belmac, and		9 to the news that that Belmac has acquired Viñas	
10 it's true that I began to work again with the file	16:05:01	<u> </u>	16:08:37
11 that of which I hadn't been in charge for several		11 It's V-I-Ñ-A-S.	10.00.57
12 years.		12 A. Well, when you steal something, you	
13 Q. Let me show you a - an e-mail that		13 always say that's — that's not why — it's not so	
14 appears from Adolfo de Basilio with to to you		14 bad that you stole, you had an agreement through	
15 and Patrice Debrégeas.	16:05:27	<u> </u>	16:09:00
16 MR. STEWART: Which — what — where are		16 Q. So it was your belief that that	10.02.00
17 we at?		17 Laboriatorious Belmac I don't understand. I	
18 MR. MINGOLLA: Thirty-one.		18 I withdrawal that.	
19 MR. BOSTWIČK: Exhibit 31.	i	19 I don't understand what what you	
20 (Leduc Deposition Exhibit No. 31 was	16:05:36	•	16:09:20
21 marked for Identification.)	70.00.00	21 A. It's clear. Would you like me to	10.09.20
22 (Witness reviews document.)		22 repeat?	j
			ŀ
	Page 183		Pane 185
1 BY MR. STEWART:	Page 183 16:06:20	1 Q. I think I would.	Page 185 16:09:32
1 BY MR. STEWART: 2 Q. Have you had a chance to read		 Q. I think I would. A. When you take something that does not 	
1			
2 Q. Have you had a chance to read		2 A. When you take something that does not	
2 Q. Have you had a chance to read 3 Exhibit 31?		A. When you take something that does not belong to you, one of the excuses that you try to	
2 Q. Have you had a chance to read 3 Exhibit 31? 4 A. Yes.	16:06:20	A. When you take something that does not 3 belong to you, one of the excuses that you try to 4 find is that you acquired that from a third party.	16:09:32
2 Q. Have you had a chance to read 3 Exhibit 31? 4 A. Yes. 5 Q. In in his e-mail, Mr. de Basilio says	16:06:20	A. When you take something that does not belong to you, one of the excuses that you try to find is that you acquired that from a third party. Q. So you're you're are you saying	16:09:32
2 Q. Have you had a chance to read 3 Exhibit 31? 4 A. Yes. 5 Q. In in his e-mail, Mr. de Basilio says 6 in the last sentence, "Meeting in their factory	16:06:20	A. When you take something that does not 3 belong to you, one of the excuses that you try to 4 find is that you acquired that from a third party. Q. So you're you're are you saying 6 that the that the news in the market that for	16:09:32
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47 (Pages 182 to 185)

2 Debrégeas and Mr. Leduc. 3 Thirty-two. 4 (Leduc Deposition Exhibit No. 32 was 5 marked for Identification.) 6 (Witness reviews document.) 7 BY MR. STEWART: 8 Q. That's your signature on Exhibit 32. 9 Correct? 10 A. Yes. 11 Q. Why were you writing to Mr. Herrera 12 instead of, for example, Mr. Murphy? 13 A. He's the one who had sent the 14 termination letter. 15 Q. The 'this – this first sentence of 16 your letter, Exhibit 32, say, We have received, 17 through Adolfo de Basilio, a copy of your letter 18 dated January 2, 2002, addressed to our subsidiary 19 Ethypharm S.A. in Spain. 20 Now Mr. Herrera's termination letter was 21 sent in November 22 A. (In English) Right. 2 Page 187 1 Q. — of 2001. Correct? 2 A. Yes. 3 Q. Mar. Leduc, does this letter refresh your 4 recollection that the meeting occurred on 5 February 21, 2002? 16 A. No. To refresh my memory, I see that 7 octually it had — it occurred, from what I wrote. 8 1 foo't have a recollection of this meeting, and the 11 some customers had ongoing orders, and the 12 sgreement, since it had been resonated rightly or 13 wrongly, that's another story, that we had 14 obligations with respect to these customers, and we 15 your letter, Exhibit 32, say, We have received, 17 through Adolfo de Basilio, a copy of your letter 18 dated January 2, 2002, addressed to our subsidiary 19 Ethypharm S.A. in Spain. 10 Now Mr. Herrera's termination letter was 21 sent in November 22 A. (In English) Right. 1 Q. — of 2001. Correct? 1 Q. Now January 2nd, 2002? 16:13:37 1 Where Mr. Murphy was present? 2 A. No. What I remember is that there was a 3 meeting on February the — on February the 8— 16:13:307 2 Meyer. 16:13:37 1 where Mr. Murphy was present? 2 A. No. What I remember is that there was a 3 meeting on February the — on February the 3— 16:13:47 5 Q. Was that an attoricy. You too, Bentley 16:13:47 6 A. Yes. With Herrera duted March 21, 2002. 11 A. Maybe that's what the letter was asking. 12 I don't know if this meeting cocurred at this — at 13 that moment but we were req	Adolfo Herrera. It appears to be signed by Patrice	Page 186 16:11:28		Page 18 11:47:
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48 (Pages 186 to 189)

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1 A. There was a meeting that lasted	Page 190 16:20:22		Page 192 16:24:25
2 relatively – relatively a long time, in which we	4	2 machinery, our equipment.	
3 indicated clearly that what Belmac wanted to do,	•	3 Q. He asked you to leave the he asked	
4 because we knew they wanted to continue		4 Ethypharm to leave the machine?	
5 manufacturing without our agreement, it was	16:20:47		16:24:37
6 something that was not allowed neither by local		6 time. We said that's certainly a solution, but if	
7 law, as far as patents were concerned, nor as far		7 you use it to manufacture for yourself, and all	
8 as the know-how was concerned, contacts with		8 that, we are not - we - we don't agree. And he	
9 customers, equipment, and stability, elements of		9 told us, no, no, we bought we bought the	
10 stability for the selection of raw materials.	16:21:43	10 machinery.	16:25:00
11 And furthermore, we had an agreement		11 Q. Well, Mr. Herrera had offered to	
12 with we had agreements with other international		12 continue manufacturing Omeprazole and other	
13 companies. And these agreements could be seriously		13 products for Ethypharm using Ethypharm's machines;	
14 compromised. And, in general, we were incurring		14 did he not?	
15 considerable prejudice. And that's where I had	16:22:14		16:25:24
1.	10.44.14	16 Mischaracterization.	10.23.24
16 heard the supra sentence.		[.	
17 (In English) If you do something in		17 THE WTINESS: He even proposed to buy	
18 Spain		18 them back.	
19 (Through the Interpreter) If you do		19 BY MR. STEWART:	
20 something in Spain, you will get absolutely	16:22:32	20 Q. Okay. And what result what was the	16:25:31
21 nowhere. And my advice is to do nothing at all		21 conclusion on that point?	
22 because at any rate you can't do anything.		22 A. The internal conclusion is that they are	
	Page 191		Page 193
1 Q. And who who made that statement?	16:22:48	1 making fun of us. External conclusion, we have to	16:25:44
2 MR. BOSTWICK: I don't think he's		2 avoid avoid having problems with two or three	
3 finished.		3 customers. So let's talk about a small period of	
4 MR. STEWART: I'm sorry.		4 time and let's defend let's protect our	
5 THE WITNESS: And that made me react	16:22:56	5 interest.	16:26:13
6 even faster by saying, Well, then, if you stop		6 Q. And Ethypharm left its machinery at	201201110
7 threatening me. Who said that? It was neither		7 Laboriatorious at Laboriatorious Belmac for a	
•			
8 Ferrian (phonetic) or it was somebody I was seeing		8 time; is that right?	
9 for the first time, a Spanish man, whose name was		9 A. Belmac's argument was the best is to	انديميد
10 mentioned once. I think like	16:23:22	10 take commissions back during the summer, because	16:26:33
11 BY MR. STEWART:		11 during the summer we stop, and then we'll have time	
12 Q. Fernando Fernando Berenguer?		12 to organize things. Then we knew that they were	
13 A. Yes.		13 continuing to manufacturer without process and	
14 Q. Okay. What did Mr. Herrera say?		14 exactly the same formulation without changing the	
15 A. He was saying our intention is not to	16:23:39	15 formulation for themselves.	16:26:57
16 steal something from you. When you left things,	-	16 Q. When did the machinery get removed?	İ
17 and we will just use what we have developed. We	[17 A. I don't know but I think it was during	ļ
18 can't keep working because we have a lot of work to		18 the closing time, maybe in August, or I don't know.	
19 do.		19 Q. In August of what year?	
Nonetheless, we agreed that there were	16:24:10	`	16:27:25
			10.21.23
21 one of two delicate things for which he was for	- 1	21 answered.	
	1	an min name man z z z z z z z z z z z z z z z z z z z	
22 which he was trying to see if he could continue		22 THE WITNESS: I don't remember which	

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Case 1.04-CV-01300-3LK D00	ument	00-2 Filed 00/25/2000 Page 2	3 01 30
1 year that is what year when we stopped	Page 194 16:27:3		Page 196
1 year that is, what year when we stopped.	10.27.3.		16:31;41
2 MR. STEWART: Okay.		2 A. I don't know.	
3 Please mark a well, it appears to be		3 Q. Okay. Finally well, I hope finally.	
4 a draft contract with some revisions		4 (Laughter.)	
5 Ethypharm 8593.	16:27:51]	16:31:59
6 (Leduc Deposition Exhibit No. 34 was		6 hopes up.	
7 marked for Identification.)	÷	7 MR. STEWART: I know. Actually, maybe,	
8 (Witness reviews document.)		8 I should withdraw that.	
9 THE WITNESS: (In English) Uh-huh.		9 MR. BOSTWICK: I say that in every	
10 BY MR. STEWART:	16:28:55	10 translation.	16:32:04
11 Q. Okay. Do you recognize this document?		11 MR. STEWART: I get my own hopes up.	
12 A. Yes.		12 MR. BOSTWICK: He withdrawals it.	
13 Q. And what is it, please?	•	13 (Laughter.)	
14 A. It was a document that was prepared to		14 BY MR. STEWART:	
15 allow continuation for certain time, in spite of	16:29:16	15 Q. Ethypharm brought suit against	16:32:20
16 the contract termination, for manufacturing and		16 Laboratorious Belmac in the commercial court in	
17 supply of the five or six products that we're		17 Spain; is that correct?	
18 concerned by the manufacturing in Spain. That is		18 A. I don't know if it's right to say	
19 to say Indometacin, Piroxican, Aspirine, and		19 commercial court in Spain, because in Europe, all	
20 Lansoprazole.	16:29:46		16:32:51
21 Q. Who prepared the original draft of the	10123110	21 Q. Well, let me	10.52.51
22 agreement?		22 A or it's just real property.	
25 agreement.		22 1x of its just lear property.	
	Page 195		Page 197
A. I think it was the Madrid attorney	16:30:04	1 Q. Why don't we let it go. Why don't we	16:32:57
2 Perez-Sendino.		2 why don't we put I'll leave it at this.	
3 Q. Who was he employed by?		3 Did Ethypharm bring a lawsuit	
4 A. It's an external, it's an outside law		4 Ethypharm bring a lawsuit in Spain against	
5 firm.	16:30:19	5 Laboriatorious Belmac?	16:33:09
6 A. You mentioned him earlier.	:	6 A. If you want to be precise, the question	
7 Q. Mm-hmm. Ah. Okay. Was it was it		7 should be, Did Ethypharm bring suit against for	
8 done was the document prepared by the attorney		8 a patent counter	- 1
9 for Laboratorious Belmac or the attorney for		9 Q. Infringement.	
10 Ethypharm?	16:30:33	10 THE INTERPRETER: Infringement?	16:33:33
11 A. For Ethypharm.	-	11 MR. STEWART: The patent infringement.	
12 Q. For Ethypharm. Okay. And let me see if		12 THE INTERPRETER: Infringement	
13 I can get the name of that attorney.		13 MR. STEWART: Yeah, that's fine.	l
Was the attorney was the attorney	į	14 THE INTERPRETER: against	
15 Javier Santos?	16:31:16	15 Laboratorious Belmac in Spain?	16:33:36
16 A. (In English) No, no.	10.51.10	16 BY MR. STEWART:	10.55.50
17 Q. No? How about Mr. Perez-Sendino?			İ
18 A. Yes, he's a Madrid attorney. 19 Q. He's a?	-	18 suggestion.	
•	16,21,24	19 A. My answer is yes.	16.22.42
20 A. He's a Madrid attorney.	ŀ	20 Q. Yes. And was that Ethypharm that was	16:33:43
21 Q. He's a Madrid attorney. Okay.		21 Ethypharm France that brought suit against	1
22 And was a final draft – a final copy of		A. The one who brings suit is the owner of	

50 (Pages 194 to 197)

· · · · · · · · · · · · · · · · · · ·	~		
1 the patent.	Page 198	3 1 let me show you another document, Exhibit 10, I	Page 200 16:45:02
2 Q. And that was Ethypharm France. Yes?		2 believe it was.	10.00
3 A. Yes.		3 A. I've got it.	
4 Q. What what is the status of that		4 Q. And do you remember the the questions	
5 litigation?	16:33:59		16:45:23
6 A. It's ongoing.	10.33.3.	6 November of 2000 with you and Mr. Murphy and	10.75.25
7 Q. Has any decision been been been		7 Mr. Germain at one table and Mr. Liorzou,	
		8 Mr. de Basilio and Mr. Herrera at another table?	
8 made by the court on any substantive matter? 9 A. No.		9 A. Yes.	-
	16.24.20		16:45:56
10 MR. STEWART: Okay. Okay. That's all I	16:34:20		10.45.50
11 have.		11 Mr. Murphy and not Mr. Herrera?	
12 THE WITNESS: As you know, patents are		12 A. Because he was the one who was making	
13 only national, so there was no choice. It had to		13 the decisions.	
14 be Spain.	1/01/5	14 Q. Okay. Did based on your experience	1/ 1/ 20
15 MR. BOSTWICK: Okay.	16:34:36	15 with Bentley and Belmac, could you and Mr. Murphy	16:46:22
16 MR. STEWART: Now having listened to		16 have decided at that table in November of 2000 to	
17 Mr. Leduc's answer, I can say that's all I have.		17 end the relationship between the companies?	
18 MR. BOSTWICK: Okay. Why don't we go		18 A. If this had been our intention, yes.	
19 off the record just for a few minutes.		19 But we didn't — we did not discuss that at that	
THE VIDEOGRAPHER: The time is 16:34:38.	16:34:52	20 time.	16:47:00
21 Off the record.		21 Q. Okay. Could Mr. Liorzou,	
22 (Whereupon, at 16:34:38 p.m., a recess		22 Mr. de Basilio, and Mr. Herrera at their their	
1		1	I
	Page 199		Page 201
1 was taken, and the proceedings resumed at	Page 199 16:34:59	1 table have decided to terminate the relationship	Page 201 16:47:09
1 was taken, and the proceedings resumed at 2 16:43:05 p.m., this same day.)	•	1 table have decided to terminate the relationship 2 between the parties and come over and tell you and	_
İ	•	r	_
2 16:43:05 p.m., this same day.)	•	2 between the parties and come over and tell you and	_
2 16:43:05 p.m., this same day.) 3 THE VIDEOGRAPHER: On the record. The	•	2 between the parties and come over and tell you and 3 Mr. Murphy that?	_
2 16:43:05 p.m., this same day.) 3 THE VIDEOGRAPHER: On the record. The 4 time is 16:43:05.	16:34:59	2 between the parties and come over and tell you and 3 Mr. Murphy that? 4 MR. STEWART: Objection. Form.	16:47:09
2 16:43:05 p.m., this same day.) 3 THE VIDEOGRAPHER: On the record. The 4 time is 16:43:05. 5 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS	16:34:59	2 between the parties and come over and tell you and 3 Mr. Murphy that? 4 MR. STEWART: Objection. Form. 5 THE WITNESS: No, they have absolutely	16:47:09
2 16:43:05 p.m., this same day.) 3 THE VIDEOGRAPHER: On the record. The 4 time is 16:43:05. 5 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS 6 BY MR. BOSTWICK:	16:34:59	2 between the parties and come over and tell you and 3 Mr. Murphy that? 4 MR. STEWART: Objection. Form. 5 THE WITNESS: No, they have absolutely 6 no power to do that.	16:47:09
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2 16:43:05 p.m., this same day.) 3 THE VIDEOGRAPHER: On the record. The 4 time is 16:43:05. 5 EXAMINATION BY COUNSEL FOR THE PLAINTIFFS 6 BY MR. BOSTWICK: 7 Q. Mr. Leduc, can I have you turn to 8 Exhibit 28. 9 A. I've got it. 10 Q. Okay. And this is a letter from you to 11 Mr. Murphy at Bentley in the U.S.; is that correct? 12 A. Yes. 13 Q. Why did you send this to Mr. Murphy at 14 the headquarters Bentley in the U.S.A. rather than 15 the subsidiary?	16:43:21 16:43:40	2 between the parties and come over and tell you and 3 Mr. Murphy that? 4 MR. STEWART: Objection. Form. 5 THE WITNESS: No, they have absolutely 6 no power to do that. 7 BY MR. BOSTWICK: 8 Q. Okay. Now without strike that. 9 I want to draw your attention to another 10 meeting that you talked about with Mr. Stewart, and 11 that is the meeting with Mr. Meyer, and 12 Mr. Herrera, and the other gentleman who was from 13 Spain. 14 A. What was the date? Was that April 2002? 15 Q. Well, let me just to make sure we're 16 talking about the same one, why don't you look at	16:47:30 16:47:49
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51 (Pages 198 to 201)

: : : : : : : : : : : : : : : : : : : :			
1 BY MR. BOSTWICK:	Page 202		Page 204 16:52:25
2 Q. Well, I believe if you look at the	10.40.50	2 far as Ethypharm is concerned, the same thing.	10.52.2.5
3 second paragraph it says, at the end, "Your draft		3 It's France that was deciding over the strategy and	
4 does not reflect all aspects discussed during our		4 the details, where one more time that's what we —	
5 meeting of February 21st, 2002."	16:48:48		16:52:42
	10.40.40	6 It was the Spanish subsidiary that was	10.52.42
6 A. So that's why — that's — that is 2002,		7 following them. But upon instructions from the	
8 Q. Okay. And this is a meeting with		8 French headquarters, and on their side it was the	
9 Mr. Meyer, Ethypharm's lawyer. Correct?		9 same thing.	•
10 A. Roseline Joannesse, myself, Adolfo	16:49:14	F.,	16:53:01
	10.45.14	11 further questions.	10.55.01
11 Herrera. The and and what is the name? What 12 was it?		, "	
1		1	
13 Q. The other person who is from Spain.			
14 Okay.	17,40,41	14 four and concludes the testimony of Gérard Leduc in	17 50 00
15 Was Patrice Debrégeas there for all or a	16:49:41	15 the matter of Ethypharm versus Bentley	16:53:07
16 portion of the meeting?		16 Pharmaceuticals. The date is July 15th, 2006. The	4
17 A. I don't know precisely, but it's very		17 time is 16:53:04.	
18 likely that he came from time to time, because it		18 Off the record.	
19 was a meeting that lasted a long time. So if he		19 (Whereupon, at 4:53 p.m., the videotaped	
20 was there, I think he would have gone 25 to	16:50:09	20 deposition was concluded.)	16:53:19
21 30 percent of the time.		21 (Signature not waived.)	
22 Q. Okay. Why did Ethypharm bring a U.S.		22	
1 lawyer to this meeting rather than a Spanish	Page 203 16:50:20	1 2 ACKNOWLEDGMENT OF DEPONENT	Page 205 16:53:19
2 lawyer?			
3 A. Because the matter in question was the		3 LGÉRARD LEDUC, do hereby acknowledge that I	
4 matter that had to be dealt with between	16 50 50	4 have read and examined the foregoing testimony, and	16.52.10
5 headquarters, and the headquarters of Belmac is	16:50:53		16:53:19
6 Bentley in the United States.		6 transcription of the testimony given by me and any	ļ
7 Q. Okay. Did the representatives from		7 corrections appear on the attached Errata sheet	
8 Laboriatorious Belmac call anyone during the		8 signed by me.	
9 meeting?	4 6 64 04	9	16 50.10
10 MR. STEWART: Objection. Form.	16:51:04		16:53:19
11 THE WITNESS: Well, that I assume		11	
12 that there was a deadlock or some kind, some		12 (DATE) (SIGNATURE)	
13 important sentence. It's not one time. It's		13	
14 several times. They always called Jim Murphy.		14	1
15 BY MR. BOSTWICK:	16:51:36	15	
16 Q. Okay. Throughout your involvement in		16	ĺ
17 the relationship between Bentley, Belmac, and	-	17	l
18 Ethypharm, did you have the understanding that		18	ľ
19 Belmac needed the authorization of headquarters		19	
20 regarding important aspects of the relationship?	16:52:04	20 .	
21 MR. STEWART: Object. Objection. Form.		21	
22 THE WITNESS: Of course, it was always	1	22	
	P.		ľ

52 (Pages 202 to 205)

			
1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBL	Page 206	1 ERRATA SHEET CONTINUED	Page 208 16:53:19
2 I, Tristan-Joseph, Registered Professional		2 IN RE: ETHYPHARM S.A. FRANCE, and ETHYPHARM	10.33.17
3 Reporter, the officer before whom the foregoing	•	3 S.A. SPAIN Vs. BENTLEY PHARMACEUTICALS, INC.,	
4 proceedings were taken, do hereby certify that the		4 RETURN BY:	_
5 foregoing transcript is a true and correct record of	16:53:19	Chick the contraction	16:53:19
6 the proceedings; that said proceedings were taken by		6	
7 me stenographically and thereafter reduced to		7	
8 typewriting under my supervision; and that I am		8	
9 neither counsel for, related to, nor employed by any		9	
10 of the parties to this case and bave no interest,	16:53:19	10	16:53:19
11 financial or otherwise, in its outcome.	10.55.15	11	
12 IN WITNESS WHEREOF, I have hereunto set my hand		12	
		13	
13 and affixed my notarial seal this day of 14 2006.		14	
		15	16:53:19
15 My commission expires:	16:53:19	16	
16 December 30, 2008.		17	
17		18	
18		19	
19		20	16:53:19
20 NOTARY PUBLIC IN AND FOR THE	16:53:19	21	-
21 DISTRICT OF COLUMBIA		22	ļ
22		22 (DATE) (SIGNATURE)	1
1 ERRATA SHEET	Page 207 16:53:19		
2 IN RE: ETHYPHARM S.A. FRANCE, and ETHYPHARM	•		
3 S.A. SPAIN Vs. BENTLEY PHARMACEUTICALS, INC.		·	
4 RETURN BY:	- I		1
5 PAGE LINE CORRECTION AND REASON	16:53:19		
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22	1		
22 (DATE) (SIGNATURE)			

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